



RCE/1655 #  
PATENT  
Attorney Docket No. EXT-026  
(2457/23)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Lapidus  
SERIAL NO.: 09/545,162 GROUP NO.: 1655  
FILING DATE: April 7, 2000 EXAMINER: Einsmann, J.  
TITLE: Methods For Detecting Nucleic Acids Indicative of Cancer

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Box RCE, Commissioner for Patents, Washington, DC 20231 on this 22<sup>nd</sup> day of April 2003.

Thomas F. Hellenthal

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

MAY 01 2003

Sir:

TECH CENTER 1600/2900

Submitted herewith is/are:

1. Request for Continued Examination (RCE) Transmittal (2 pgs.);
2. Fee Transmittal (1 pg.);
3. Petition for Extension of Time Under 37 CFR 1.136(a) (1 pg.);
4. Response to Office Action (2 pgs.) with Declaration attachment (13 pgs.);
5. Copy of Submission of Computer Readable Copy of Sequence Listing for Invention Containing Nucleotide and/or Amino Acid Sequence (1 pg.);
6. Copy of the disk containing the Computer Readable Copy of the sequence listing (1 pg.);
7. Check in the amount of \$840.00; and
8. Return Receipt Postcard.

RCE/1634  
f

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: **Box RCE**  
**Commissioner for Patents**  
**Washington, D.C. 20231**

Application No.	09/545,162
Filing Date	April 7, 2000
First Named Inventor	Lapidus
Group Art Unit	1634
Examiner Name	Einsmann, J.
Attorney Docket No.	EXT-026 (2457/23)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

### NOTES

**RCE v. CPA:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

**FEES AND SUBMISSION REQUIRED:** A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

**RCE APPLIES TO:** An application in which prosecution is closed (see 37 C.F.R. § 1.114 (B)).

**RCE DOES NOT APPLY TO:** (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

### **1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114**

- a.  Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on \_\_\_\_.
- b.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_.
- c.  Amendment/Response enclosed.
- d.  Affidavit(s)/Declaration(s) enclosed.
- e.  Information Disclosure Statement (IDS) enclosed.
  - i.  PTO-1449
  - ii.  Copies of IDS Citations
- f.  Other: Declaration of Anthony P. Shuber Under 37 CFR 1.132

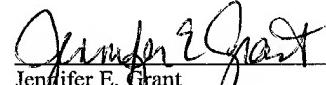
### **2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114**

- a.  Small entity status
  - i.  was established in the prior nonprovisional application.
  - ii.  is established herewith by the enclosed written assertion of entitlement to small entity status.
- b.  A Petition and Fee for Extension of Time for three months up to and including April 22, 2003 is enclosed herewith.
- c.  A check in the amount of \$ 840.00 is enclosed.
- d.  The Commissioner is hereby authorized to charge the required fee(s), i.e., \$\_\_\_\_, to Deposit Account No. 20-0531.
- e.  The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.

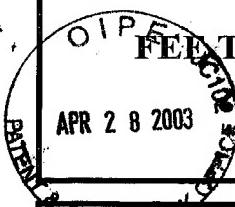
Request For Continued Examination (RCE) Transmittal  
Serial No. 09/545,162  
Page 2 of 2

**3. MISCELLANEOUS**

- a.  Return Receipt Postcard enclosed.  
b.  Other \_\_\_\_\_.

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	Respectfully submitted,  Date: April 22, 2003 Reg. No. 51,752 Tel. No.: (617) 310-8423 Fax No.: (617) 248-7100   Jennifer E. Grant Attorney for Applicants Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110

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Complete if Known	
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METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																															
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